

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TEAMSTERS LOCAL UNION NO. 727)	
HEALTH AND WELFARE FUND,)	
TEAMSTERS LOCAL UNION NO. 727)	
PENSION FUND and TEAMSTERS)	
LOCAL UNION NO. 727 LEGAL AND)	
EDUCATIONAL ASSISTANCE FUND,)	1:10CV6115
)	
Plaintiffs,)	Judge Holderman
v.)	
)	Magistrate Judge Nolan
GSSP ENTERPRISES, INC., an Ohio)	
Corporation,)	
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on July 11, 2011, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instantler, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

- 1) That pursuant to Settlement Agreement executed by the parties, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.
- 2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has failed to remit payments for the months of August, September and October 2011.

WHEREFORE, in accordance with the provisions of the Settlement Agreement, Exhibit "B", Plaintiffs pray that the Order of Dismissal be vacated instant, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$288,153.61, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Settlement Agreement, which amount does not include current delinquencies claimed due, if any.

That Plaintiffs also pray that judgment enter for Plaintiffs' attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

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